

**REPORT OF THE AUDIT OF THE  
BOYD COUNTY  
CLERK**

**For The Year Ended  
December 31, 2010**



**CRIT LUALLEN  
AUDITOR OF PUBLIC ACCOUNTS  
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## **EXECUTIVE SUMMARY**

### **AUDIT EXAMINATION OF THE BOYD COUNTY CLERK**

**For The Year Ended  
December 31, 2010**

The Auditor of Public Accounts has completed the Boyd County Clerk's audit for the year ended December 31, 2010. Based upon the audit work performed, the financial statement presents fairly in all material respects, the revenues, expenditures, and excess fees in conformity with the regulatory basis of accounting.

#### **Financial Condition:**

Excess fees increased by \$5,388 from the prior year, resulting in excess fees of \$153,447 as of December 31, 2010. Revenues increased by \$882,437 from the prior year and expenditures increased by \$877,049.

#### **Deposits:**

The County Clerk's deposits as of August 10, 2010, were exposed to custodial credit risk as follows:

- Uncollateralized and Uninsured \$138,748

The County Clerk's deposits were covered by FDIC insurance and a properly executed collateral security agreement, but the bank did not adequately collateralize the County Clerk's deposits in accordance with the security agreement.



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**CRIT LUALLEN**  
**AUDITOR OF PUBLIC ACCOUNTS**

The Honorable William Stevens, Boyd County Judge/Executive  
The Honorable Debbie Jones, Boyd County Clerk  
Members of the Boyd County Fiscal Court

Independent Auditor's Report

We have audited the accompanying statement of revenues, expenditures, and excess fees - regulatory basis of the County Clerk of Boyd County, Kentucky, for the year ended December 31, 2010. This financial statement is the responsibility of the County Clerk. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for County Fee Officials issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the County Clerk's office prepares the financial statement on a regulatory basis of accounting that demonstrates compliance with the laws of Kentucky, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the financial statement referred to above presents fairly, in all material respects, the revenues, expenditures, and excess fees of the County Clerk for the year ended December 31, 2010, in conformity with the regulatory basis of accounting described in Note 1.

In accordance with Government Auditing Standards, we have also issued our report dated June 28, 2011 on our consideration of the Boyd County Clerk's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.



The Honorable William Stevens, Boyd County Judge/Executive  
The Honorable Debbie Jones, Boyd County Clerk  
Members of the Boyd County Fiscal Court

This report is intended solely for the information and use of the County Clerk and Fiscal Court of Boyd County, Kentucky, and the Commonwealth of Kentucky and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", with a long horizontal flourish extending to the right.

Crit Luallen  
Auditor of Public Accounts

June 28, 2011



BOYD COUNTY  
DEBBIE JONES, COUNTY CLERK  
STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS

For The Year Ended December 31, 2010

Revenues

State Grants		\$	50,850
State Fees For Services			23,413
Fiscal Court			389,395
Licenses and Taxes:			
Motor Vehicle-			
Licenses and Transfers	\$	1,381,314	
Usage Tax		4,153,442	
Tangible Personal Property Tax		4,258,854	
Other-			
Fish and Game Licenses		9,230	
Marriage Licenses		30,954	
Deed Transfer Tax		82,838	
Delinquent Tax		<u>1,485,504</u>	11,402,136
Fees Collected for Services:			
Recordings-			
Deeds, Easements, and Contracts		18,236	
Real Estate Mortgages		72,561	
Chattel Mortgages and Financing Statements		110,123	
Powers of Attorney		3,678	
Liens		22,987	
Releases		20,506	
All Other Recordings		13,847	
Charges for Other Services-			
Candidate Filing Fees		1,930	
Copywork		26,503	
Lien Release Fees		27,770	
Notary Fees		29,514	
Postage		4,330	
Sheriff's Inspections		<u>23,390</u>	375,375
Other:			
Housing Trust Authority Fund		47,850	
Refunds/Overpayments		5,262	
Miscellaneous		<u>82,072</u>	135,184

The accompanying notes are an integral part of this financial statement.

BOYD COUNTY  
 DEBBIE JONES, COUNTY CLERK  
 STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS  
 For The Year Ended December 31, 2010  
 (Continued)

Revenues (Continued)

Interest Earned	\$ 221
Total Revenues	12,376,574

Expenditures

Payments to State:

Motor Vehicle-

Licenses and Transfers \$ 932,808

Usage Tax 4,030,760

Tangible Personal Property Tax 1,310,693

Licenses, Taxes, and Fees-

Fish and Game Licenses 9,070

Delinquent Tax 151,217

Legal Process Tax 45,683

Housing Authority Trust Fund 47,850 \$ 6,528,081

Payments to Fiscal Court:

Tangible Personal Property Tax 269,476

Delinquent Tax 214,530

Deed Transfer Tax 78,696 562,702

Payments to Other Districts:

Tangible Personal Property Tax 2,507,277

Delinquent Tax 699,673 3,206,950

Payments to Sheriff 122,628

Payments to County Attorney 168,887

Operating Expenditures:

Personnel Services-

Deputies' Salaries 716,030

Employee Benefits-

Employer's Share Social Security 54,714

Employer's Share Retirement 125,579

Employer's Paid Health Insurance 174,134

The accompanying notes are an integral part of this financial statement.

BOYD COUNTY  
 DEBBIE JONES, COUNTY CLERK  
 STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS  
 For The Year Ended December 31, 2010  
 (Continued)

Expenditures (Continued)

Operating Expenditures: (Continued)

Contracted Services-

Microfilming and Indexing Records \$ 9,786

Machine Maintenance Agreement 16,258

Library and Archives Grant 50,850

Materials and Supplies-

Office Supplies 36,482

Other Charges-

Refunds 50,517

Telephone & Rent 27,067

Postage 11,852

Clerk's Insurance Bonds 2,042

Conventions and Travel 13,366

Dues and Memberships 2,520

Elections 156,683

Miscellaneous 29,663 \$ 1,477,543

Debt Service:

Lease Purchases 56,881

Total Expenditures \$ 12,123,672

Net Revenues 252,902

Less: Statutory Maximum 92,412

Excess Fees 160,490

Less: Expense Allowance 3,600

Training Incentive Benefit 3,443 7,043

Excess Fees Due County for 2010 153,447

Payment to Fiscal Court - March 1, 2011 146,777

Balance Due Fiscal Court at Completion of Audit \$ 6,670

The accompanying notes are an integral part of this financial statement.

BOYD COUNTY  
NOTES TO FINANCIAL STATEMENT

December 31, 2010

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

A fee official uses a fund to report on the results of operations. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fee official uses a fund for fees to account for activities for which the government desires periodic determination of the excess of revenues over expenditures to facilitate management control, accountability, and compliance with laws.

B. Basis of Accounting

KRS 64.820 directs the fiscal court to collect any amount, including excess fees, due from the County Clerk as determined by the audit. KRS 64.152 requires the County Clerk to settle excess fees with the fiscal court by March 15 each year.

The financial statement has been prepared on a regulatory basis of accounting, which demonstrates compliance with the laws of Kentucky and is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. Under this regulatory basis of accounting, revenues and expenditures are generally recognized when cash is received or disbursed with the exception of accrual of the following items (not all-inclusive), at December 31 that may be included in the excess fees calculation:

- Interest receivable
- Collection on accounts due from others for 2010 services
- Reimbursements for 2010 activities
- Payments due other governmental entities for December tax and fee collections and payroll
- Payments due vendors for goods or services provided in 2010

The measurement focus of a fee official is upon excess fees. Remittance of excess fees is due to the County Treasurer in the subsequent year.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the County Clerk's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

BOYD COUNTY  
NOTES TO FINANCIAL STATEMENT  
December 31, 2010  
(Continued)

Note 2. Employee Retirement System

The county official and employees have elected to participate in the County Employees Retirement System (CERS), pursuant to KRS 78.530 administered by the Board of Trustees of the Kentucky Retirement Systems. This is a cost sharing, multiple employer defined benefit pension plan, which covers all eligible full-time employees and provides for retirement, disability and death benefits to plan members. Benefit contributions and provisions are established by statute.

Nonhazardous covered employees are required to contribute 5 percent of their salary to the plan. Nonhazardous covered employees who begin participation on or after September 1, 2008 are required to contribute 6 percent of their salary to the plan. The county's contribution rate for nonhazardous employees was 16.16 percent for the first six months and 16.93 percent for the last six months.

Benefits fully vest on reaching five years of service for nonhazardous employees. Aspects of benefits for nonhazardous employees include retirement after 27 years of service or age 65. Nonhazardous employees who begin participation on or after September 1, 2008 must meet the rule of 87 (members age plus years of service credit must equal 87, and the member must be a minimum of 57 years of age) or the member is age 65, with a minimum of 60 months service credit.

Historical trend information showing the CERS' progress in accumulating sufficient assets to pay benefits when due is presented in the Kentucky Retirement Systems' annual financial report. This report may be obtained by writing the Kentucky Retirement Systems, 1260 Louisville Road, Frankfort, KY 40601-6124, or by telephone at (502) 564-4646.

Note 3. Deposits

The Boyd County Clerk maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the County Clerk and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

BOYD COUNTY  
NOTES TO FINANCIAL STATEMENT  
December 31, 2010  
(Continued)

Note 3. Deposits (Continued)

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the County Clerk's deposits may not be returned. The Boyd County Clerk does not have a deposit policy for custodial credit risk but rather follows the requirements of KRS 41.240(4). As of December 31, 2010, all deposits were covered by FDIC insurance or a properly executed collateral security agreement. However, as of August 10, 2010, public funds were exposed to custodial credit risk because the bank did not adequately collateralize the County Clerk's deposits in accordance with the security agreement.

Uncollateralized and Uninsured - \$138,748

Note 4. Grants

- A. In November 2007, the County Clerk received a local records microfilming grant from the Kentucky Department for Libraries and Archives in the amount of \$50,850. Funds totaling \$50,850 were expended during the year. The account earned interest totaling \$719 which was paid to the County Clerk's fee account. As of December 31, 2010, the balance in the account was \$0.
- B. In December 2009, the County Clerk received a local records microfilming grant from the Kentucky Department for Libraries in the amount of \$40,613. No funds were expended during the year. As of December 31, 2010, there was a balance of \$40,650, which includes \$37 of interest earned.
- C. In December 2010, the County Clerk received a local records microfilming grant for salary support from the Kentucky Department for Libraries in the amount of \$10,200. No funds were expended during the year. As of December 31, 2010, there balance in the account was \$10,200.

Note 5. Leases

- A. The office of the County Clerk was committed to a lease agreement with Software Management, Inc. for maintenance on the computer equipment and software the County Clerk previously purchased from Software Management, Inc. The maintenance lease requires a monthly payment of \$5,171 to be completed on October 31, 2012. The agreement will renew automatically for additional one year terms thereafter. The balance of the lease agreement was \$113,762 as of December 31, 2010.
- B. The office of the County Clerk is committed to an operating lease agreement for the branch office space in the KYOVA Mall. As of January 1, 2007, the lease was renewed for another 48 months to be completed December 31, 2010 at the rate of \$675 per month.
- C. The Ashland branch is rented on a month-to-month basis for \$480.

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND  
ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL  
STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS







CRIT LUALLEN  
AUDITOR OF PUBLIC ACCOUNTS

The Honorable William Stevens, Boyd County Judge/Executive  
The Honorable Debbie Jones, Boyd County Clerk  
Members of the Boyd County Fiscal Court

Report On Internal Control Over Financial Reporting And  
On Compliance And Other Matters Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards

We have audited the statement of revenues, expenditures, and excess fees - regulatory basis of the Boyd County Clerk for the year ended December 31, 2010, and have issued our report thereon dated June 28, 2011. The County Clerk's financial statement is prepared in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Boyd County Clerk's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the County Clerk's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the County Clerk's internal control over financial reporting.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above.



Report On Internal Control Over Financial Reporting And  
On Compliance And Other Matters Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards  
(Continued)

Compliance And Other Matters

As part of obtaining reasonable assurance about whether the Boyd County Clerk's financial statement for the year ended December 31, 2010, is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

This report is intended solely for the information and use of management, the Boyd County Fiscal Court, and the Department for Local Government and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", with a long horizontal flourish extending to the right.

Crit Luallen  
Auditor of Public Accounts

June 28, 2011

